

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN MARCOVICH,

No. C 08-1736 WDB

Plaintiff,

ORDER FOLLOWING FURTHER
CASE MANAGEMENT
CONFERENCE

v.

VITAMIN SHOPPE INDUSTRIES,
et al.,

Defendants.

On April 21, 2009, the Court held a Further Case Management Conference. For reasons articulated more thoroughly on the record, the Court ORDERS as follows:

1. Plaintiff must produce a written preliminary report by Plaintiff's expert by no later than May 12, 2009. Defendant may depose Plaintiff's expert within one month thereafter.
2. By May 1, 2009, the parties will meet and confer on possible reassignment and will file a joint letter to the Court indicating their election to either select a United States Magistrate Judge for reassignment, or be randomly assigned to a United States District Judge.
3. Also by May 1, 2009, the parties will submit either a jointly proposed schedule for expert discovery, with expert discovery to be completed by March 1, 2010, or a request for the Court to determine the scheduling of expert discovery.
4. Plaintiff must complete initial disclosures by May 1, 2009.
5. **Trial and Related Pre-Trial Schedule**

1 If the parties are ultimately not able to settle the case, the following Trial and
2 Pre-Trial deadlines will apply, subject to the Court's availability upon reassignment:

- 3 a. Trial will be held on July 6, 2010.
- 4 b. A Final Pre-trial Conference will be held on June 18, 2010. Lead trial
5 counsel for each party must participate in the conference.
- 6 c. Last day to hear all motions, including dispositive motions: April 1,
7 2010. The date of the hearing will be set by the trial judge following
8 reassignment.
- 9 d. Close of non-expert discovery and disclosure of experts: November 30,
10 2009
- 11 e. Completion of expert discovery: March 1, 2010
- 12 f. Last day to amend pleadings: May 29, 2009

13 If this matter settles before the deadlines set forth above, Plaintiff's counsel must
14 notify the Court within two days.

15 IT IS SO ORDERED.

16 Dated: April 22, 2009

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19 WAYNE D. BRAZIL
20 United States Magistrate Judge
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